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Author(s): Erik H. Erikson and Kai T. Erikson

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THE CONFIRMATION OF THE DELINQUENT

JUDGE IMPOSES ROAD GANG TERM FOR BACK TALK

Wilmington, N.D. (UP)—*A “smart alecky” youth who wore pegged trousers and a flattop haircut began six months on a road gang today for talking back to the wrong judge.*

Charles N. Cagle, 20, of Wilmington, was fined \$25 and costs in Judge Henry Lee Stevens Jr.’s superior court for reckless operation of an automobile. But he just didn’t leave well enough alone.

“I understand how it was, with your pegged trousers and flattop haircut,” Stevens said in assessing the fine. “You go on like this and I predict in five years you’ll be in prison.”

When Cagle walked over to pay his fine, he overheard Probation Officer Gordon Blake tell the judge how much trouble the “smart alecky” young offender had been.

“I just want you to know I’m not a thief,” interrupted Cagle to the judge.

The judge’s voice boomed to the court clerk: “Change that judgment to six months on the roads.”

The news item is quoted here not in order to judge the judge or defend the defendant—for we do not know the facts beyond those which the wires found fit to report and the editor fit to print. Rather, we are concerned with the readers who apparently are the willing recipients of such news. Do they think, we wonder, that the judge is right in his sentiments; and if so, that he is also right in his verdict? How bad, do they think, is the defendant—and how much better will he be after six months in the road gang?

It is not too uncommon that judges indulge in the public abuse of young offenders who act without deference or fail to demonstrate the kind of remorse which, so it seems, would make the predicament of

Erik Erikson, a psychoanalyst, is the author of *Childhood and Society*, Norton, 1950, and of articles on adolescence and identity. Kai Erikson took his M.A. in Sociology last year at the University of Chicago and is now in the army.

juvenile delinquency more acceptable to the older generation. Other reactions of adults to young offenders, "letters to the editor," and the statements of parents quoted in the more sensational news, all reveal a general mood of petulant condemnation, as if the delinquencies committed by youngsters were acts of deliberate unfairness to the world of adults. Experts, too, by publicly proclaiming contradictory "causes" of delinquency, betray the fact that they feel uncomfortably challenged by an unexpected phenomenon.

In this article a psychoanalyst and a sociologist propose that the reactions cited, far from being side effects of delinquency, may be part of a widespread adult attitude which inadvertently (and in spite of all that public agencies and individuals are doing to *prevent* delinquency) *confirms* a considerable number of faltering young people in the ways of criminality.

The fact is that delinquents are made, not born—and they are made slowly and gradually. *Potentialities* for goodness and badness are inborn in all; they grow to *probabilities* during childhood. But the *certainty* of a man's or a woman's measure is not established before the end of his adolescence, and not without some kind of confirmation by the adult world. As Faulkner puts it starkly, "it ain't none of us pure crazy and ain't none of us pure sane until the balance of us talks him that-a-way."

Every one of us has seen his own or other peoples' youngsters suddenly "grow together" in body and mind and give the convincing impression that they know where they are going. We have seen others temporarily grow apart within themselves or grow apart from us. It often takes considerable time—well into the early twenties—before an adolescent can make a workable whole out of all that became distinctive of him in the years of childhood. For what once was play and pretense, in adolescence becomes rehearsal with different ways of living until the main life performance, namely the individual's lasting identity in the adult world, is established.

Many adolescents seem to find their identity with ease, as their way of life appears to be cut out for them in their parents' expectations and preparations. The roles offered in schools and first jobs come easily to them. Yet, some of these "lucky" people may later come to feel that things, maybe, were too easy too early. For others the right way emerges only after much experimentation and after much wearing effort to find recognition as a new person, i.e., as somebody who takes unexpected turns—and yet makes sense. Here, often, only the outcome can tell what was "right." In the meantime we adults are rarely aware of our essential function in conveying to young people—deliberately or inad-

vertently—that they do (or do not) make sense. Without knowing it, or, indeed, appreciating it, we may find ourselves in a strategic role as uncles or family friends, as teachers or physicians, as neighbors or significant strangers. Now and again a quotation comes back to us of something which, for all we remember, we may or may not have said, and which nevertheless remained a memorable judgment—for good or for bad—in a young person's life.

Much can go wrong here. For in the adolescent's supreme effort to make sense to himself and to others at the same time, the complexity of the adolescent state and the confusion of the times meet head-on. Young people undergo stages in which they seem stubbornly self-assured, and yet make anything but sense to themselves; while others feel out of place, and yet are on their way. Some adolescents temporarily take a perverse kind of pride in making no sense to anyone—least of all to those immediately concerned with them. Always, however, they secretly strive to make sense to *some* people of their own choice, even if these persons are somewhere on the “undesirable” periphery of their family, their class, or their neighborhood. This is often misunderstood as aimless rebellion or mere egotism, while in many ways it is a search for new loyalties and for new techniques of living. Societies, to remain young, need such search. What would this country have become without those who would not be fenced-in, who courted change, who sought *their* chance in economic expansion, and who insisted on *their* life style? But political and economic developments can come to contradict what children have been led to expect, and adolescence can become a period of confused chances and uncertain choices, a time when much good energy, essential to society as well as to the individual, can go fatally astray.

To prevent what has been called a “diffusion of identity,” societies, old and new, design a variety of official confirmations. In primitive tribes the confirmers “initiate” the young into society and with impressive, often frightening, rituals impose clear obligations and privileges. In organized religion the functionaries of a faith offer ceremonial confirmations, linking the individual's small new life with a universal life of fatherhood and brotherhood. Political leaders offer slogans and uniforms, eager to confirm youth as part of a movement, a nation, a class. In traditional institutions of learning, masters of crafts, arts, and sciences offer apprenticeships in which old techniques are reverently reviewed, new ones envisaged. Fraternities and groups of alumni offer identities often all too persistent. In each instance the young person finds himself part of a universal framework which reaches back into an established tradition, and promises a definable future.

Yet the meaning of confirmations changes with the times. Some ceremonies and graduations, while ancient and profound, are no longer vital; others, while sensible and modern, somehow are not profound enough to provide meaning. Many young people, eager for an image of the future, find the confirmations and ceremonies designed by their parents' churches, clubs, or orders too formalized to "speak to their condition." Others go along with the make-believe identities taught in many occupational and professional schools, but find that streamlined adaptiveness can prove brittle when life brings new crises. Thus what official institutions teach and preach often has little to do with the immediate inner needs and outer prospects of young people.

It is here that leaderless and unguided youth often attempts to confirm itself in groups of pals and in organized gangs which offer to those who have lost (or who never had) any meaningful confirmation in the approved ways of their fathers an identity based on a defiant testing out of what is most marginal to the adult world. Among these alliances we are here concerned primarily with gangs: the mocking grandiosity of their names ("Black Barons" or "Junior Bishops," "Saints" or "Navahoes"), their insignia (sometimes tattooed into the skin), and their defiant behavior clearly mark them as independent "tribes" or "sects." As has often been pointed out, these gangs are by no means necessarily malicious or dangerous. True, on occasion they suddenly follow impulses of cold annihilation, such as adults display only in race riots. Usually they only intend to look that way. Yet, given some isolated excesses which make the adults expect that they *are all* that way, they may well be driven in the anticipated direction.

It should be said here that such gang formation is by no means restricted to this country. A South African doctor described bands of young negroes who are called "Zootsies." Their description coincided in many ways with that of Californian Zoot-suiters, of whose existence and name the doctor had been unaware. It is particularly significant that analogous phenomena have been reported from Moscow.

What is, then, the universal urgency, the cruel energy which, to be contained, needs some kind of shared identity at all price? To this psychoanalysis and sociology give different but converging answers.

The psychoanalyst will point to the adolescent's increased physical power, sexual drive, and abundance of fantasy. He will say that the adolescent must make contact with the honest worth of his cultural heritage and of the world-in-progress, because otherwise he will fall victim to his biological heritage. Here we must hasten to add that man's biological heritage, or what are often called his sexual and aggressive

“instincts,” have long lost the naturalness of animal drives and the adaptiveness of the animal’s instincts. Longer than the young of any animal, the children of man remain wards of parents and teachers, and must *learn* to be human—each in his own way. This learning begins with being mothered in the days of utter helplessness and being loved and guided in the years of gradual growth. But it does not end until the struggle for identity and adolescent experimentation ends. If it happens that the young person’s preparation in childhood does not add up to the promise of a recognized place in some desirable segment of his society, then the thrill of experimentation with “different” ways of life may well become acutely perverted. He may, then, with the impulsive absolutism of youth, prefer to be nobody when he cannot quite be somebody. Where his imagination cannot be productive, he may experiment with acts and feelings on the very borderline of mental disease. Or he may accept the challenge of sexual dares and cruel pranks. A youth without identity is like a powder keg left unguarded. A seemingly insignificant source of combustion, having remained unobserved, can turn prank and dare into disaster and crime. A mild “lone wolf” of a young man, having playfully threatened a baby sitter and her ward with a big knife, murdered her with wild stabs when she started to scream. Maybe (who knows) her screams, “recognizing” him as a potential murderer, made him one. Afterwards he could only say “it was a prank that backfired.” Yet that was neither a psychiatric nor a legal formulation; he was sentenced to die. But many young criminals who (at first) commit minor acts, alone or in the mutual contamination of gang life, could say that it all started with a prank or dare which at the time seemed at worst to be unclean fun.

When that happens, we receive the young individual into our jails and courts. More often than not we admit him into the company of criminals. We deal with him in terms of complicated and outdated laws. For the law of property, say, provides no legal definition for the impulsive appropriation of a motor car for the sake of speeding around a few blocks or for the sake of impressing a girl. We say that a youth stole; we want him to admit theft and say that he is sorry. We want him to accept punishment in the name of the law, even as we find ourselves caught in legal tangles. We appeal to him in outrage or hurt, only to be met with an evasive glance or with a defiant stare. We try to understand this glance and this stare, but in vain. For it merely means that we have not succeeded in making any real, any compelling sense to him. Maybe we should recognize in this glance and stare the universal fact that the technology which we more or less good-naturedly create, the laws which we more or less logically uphold, and the morality which we more or less

sincerely confess, do not necessarily add up to a world which makes more sense to a delinquent—than delinquency does. And he cannot afford *not* to be a delinquent, until we can convince him that in our scheme there is a safer identity for him.

To understand, then, why a relatively (if not absolutely) large number of youths find themselves in this position, *psychoanalysis* would emphasize the precariousness of the adolescent struggle against vastly intensified sexual and aggressive drives, and thus the individual's *inner* need for an identity and a consistent morality. *Sociology*, on the other hand, would begin with man in the orderly aggregate, with society. The social order, to remain safe and strong, must harness the energies of its young individuals and must try to direct them to productive styles of living. To the young person in search of identity society offers a variety of roles. Whether his identity is clothed in the occupational roles of "doctor, lawyer, merchant, chief" or of "rich man, poor man, beggar man, thief," social usage provides for each a standardized manner and bearing, and a particular kind of recognition and status: and sociology will go along with the children's rhyme in giving the recognition of an occupational role to the confirmed thief and to the beggar as well as to the professional man. As the young person rehearses his roles, society is eager to impress him with the available alternatives by attaching labels to him, often hastily, and often, no doubt, in order to know how to deal with him and with his changeable ways. The press of recent years has clearly reflected the desperate need of policemen and judges, educators, psychiatrists, and clergymen to so label and to so diagnose delinquency and delinquents that each profession may retain the comfortable conviction that, if given total power, it alone would have the total method to master the disturbance. To be sure, each of them has something essential to offer, and is most urgently called upon to offer it fast. But it is imperative to pause long enough to consider that some "professional" approaches by insisting on one single interpretation (they are "just" kids from broken homes, or bad chips from bad old blocks, "just" souls in need of salvation or minds in need of treatment) offer conflicting kinds of confirmation: while all of them taken together amount to one confirmation, namely, that of a section of youth which makes no sense to its parent-society.

The most widespread criminal violation called car theft may illustrate the limited competency of any one group of experts. More than half of all car thefts are committed by individuals (in the vast majority, boys) under twenty-one years of age—and they by no means all come from lower class families. Psychology can elaborate on the fact that ado-

lescence is a stage of great locomotor urge. Young men “chase after” things, young girls “run around”; this they do differently in different cultures. Given our world of mechanical automotion (in which for adults, too, motor cars are flashy toys as well as useful tools) youth easily falls prey to what may be called automotive intoxication. In order to indulge in it youths appropriate cars; or they enhance what cars they have with hot-rodding and with alcoholic and sexual dares. All of this, while potentially dangerous to life and property, has in its motivation little to do with theft in the sense of appropriation for economic gain or with other established legal categories for motivation and crime. Yet this widespread phenomenon of delinquency, most typical of youth and most representative of our times, is legally ruled by criminal laws designed in the days of a different technology. While, then, neither jurist nor psychologist nor sociologist could alone define this phenomenon, young people get caught in judicial procedures which in their bewildering local varieties cannot possibly be understood by them. And yet it depends on these procedures whether or not the infraction will prove to have been a transitory prank or a fateful first step in the confirmation of a criminal career.

The sociologist would look at such confirmation as the final step in the gradual acquisition of a compelling role. He, too, could go back to the play of children and show the way in which quite early different roles appear. Children are both cops and robbers, cowboys and horse thieves—alternately but passionately. They observe many roles in their elders; and, of course, they soon become acquainted with the particular variety of roles, presented to them ever more impressively by the entertainment industry. As spectators they experience at least some of these roles at some fleeting moments almost as if they had lived them. Any young individual has been *introduced* to a great variety of imaginary roles some of which will become completely dormant, while others, sooner or later, may become a decisive bridge to social reality. The delinquent role may have been only fleetingly envisaged by him as a fascinating or disturbing possibility; or it may have been presented to him as a compelling example in a delinquent environment. Given a number of circumstances, this role can acquire exclusive importance in the young individual’s attempt to make sense to himself and to others. Foremost among such circumstances may be the sudden devaluation of a precious but precarious role such as, for example, Prew’s as a bugler in *From Here to Eternity*, a role so convincingly depicted as a possible salvation for a potentially murderous young man. Often, a young person with diminished sources of identity and with a heightened impulsivity develops a temporary low

immunity to social infection and falls prey to the inducements, paired with threats, of older and already confirmed delinquents. To this, then, is added the second stage, based on the tendency on the part of society to *attribute* to a young individual as an inborn and permanent part of his personality or of his background what as yet may be only a temporary experimental role. All of us will recognize such "attribution" in the way we look with alarm at individual youngsters when in their dress and posture they dare us to type them, and we know it from the way we "recognize" peacefully loitering gangs as dangerous juvenile delinquents. They, in turn, while seemingly uninterested in our very existence, are sure to perceive our furtive evaluation. And they, more or less inadvertently, provoke policemen into action. A policeman's impression "I don't like his looks" here often becomes a first fateful step in a procedure which from the detection of small irregularities leads to big consequences in the apprehended child's life.

In a similarly accidental way, of course, many a young person gets his chance in life when somebody *does* like his looks. But we are here concerned with that chain of negative evaluations, that chain of persistent attributions which finally commits both society and the young person to the incontrovertible fact that he is somebody "with a record"—or looks like somebody who will have one. This, then, is the third stage: the *commitment* to the criminal role. Again, we are deliberately playing with the double meaning of a word here. For it can happen that a youngster, when *committed* as an official offender to a corrective procedure, decides in defiant despair to *commit himself* to the role of an incorrigible. One third of all delinquents are "caught" again—often having made only the flimsiest attempts to conceal their criminal intentions. The autobiographies of professional criminals of undoubted skill in their craft clearly reveal the clumsiness of their first delinquent steps—a clumsiness inviting detection and, maybe, the corrective influence of somebody who cares. Where such help is not forthcoming, there is only the world of professional crime and of law enforcement to confirm the young deviant in the role of loyal and expert criminal.

Laws cannot, must not, change easily. The executors of the law must try to represent the spirit in which it was created. Yet when sanctioned categories of violation appear to be flagrantly incongruous in a world changed by undreamed-of techniques, then surely a redefinition of the law in line with an emerging science of man must be envisaged. We begin to know that the difference between delinquency and crime is often as great as the difference between childhood and adulthood. Furthermore, we begin to recognize decisive stages within the juvenile age, and gradations

and steps in the confirmation of delinquency which must be taken into account. Until these facts are understood to the point where they find reflection in laws, the law itself has no choice but to confirm many a delinquent in the way of crime.

There are, of course, communities, courts, and police departments with civic hearts and practical heads. They establish co-operative plans of prevention (as for example Passaic, New Jersey, has done); they entertain a kind of collaboration with endangered sections of youth (i.e., by organizing hot-rod races and other events); and through the work of parole officers and social workers they offer some young people a kind of personal confirmation of potential worthiness. In doing this, however, communities and individuals must take isolated chances, often against overwhelming odds. Their successes do not make the headlines while unavoidable failures are sure to be laid to a sentimental or unintelligent wish to "coddle." They need universal support from an enlightened public, willing to accept some bitter facts.

Juvenile delinquency deserves to be faced by (any) society as a phenomenon which points to the most glaring discrepancies between technological change, the letter of the law, prevalent morality, and scientific insight. Here it must be remembered in passing that juvenile delinquency, while the noisiest, is not the only unrest in the youth of this country. Doctors in our armed forces and in institutions of learning are aware of the inner, the mental unrest which is delinquency's unspectacular counterpart but at least an equal drain on human resources.

The inescapable fact is that we adults, in changing the world with more or less well-intentioned inventions create disbalances of value which appear as moral and psychological deficits in some (and by no means always necessarily the weakest) segments of youth. This, of course, is a matter of so many implications that only a combination of experts in collaboration with a combination of citizens can even begin to discuss it. The emphasis here is on the beginning and the continuing, not on the concluding: for in most conferences of experts and citizens the necessity to come, in a few hours or days, to "practical" conclusions, hangs like a cloud over the meeting of minds.

Like a wave of hurricanes, juvenile delinquency does not only call for emergency measures. It calls for acceptance of the possibility that the threat may be here to stay for the foreseeable future; and that only long-range planning, based on persistent joint study, may gradually overcome the waste attending each single emergency.